

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

LETASHA MYATT, on behalf of herself)
and others similarly situated,)

Plaintiff,)

v.)

CAUSE NO.: 1:10-CV-64-TLS

DAVID J. GLADIEUX, SHERIFF OF)
ALLEN COUNTY, INDIANA,)
(in his official capacity),)

Defendant.)

ORDER

This matter is before the Court on the parties' Joint Motion for Resolution of Remaining Special Damage Claims [ECF No. 183], filed on October 2, 2015. After the jury returned a verdict [ECF No. 158] that awarded the Class general damages, the parties filed a Joint Status Report [ECF No. 166] that informed the Court they anticipated conducting mediation sessions to resolve the special damages claims presented by thirty-three class members.¹ The parties participated in sessions on March 31, 2015, and September 15, 2015, mediated by C. Erik Chickedantz, for which the special damage claimants received reasonable, advance notice of the sessions. During these two mediations, approximately half of the special damages claimants resolved their claims. The remaining members of the special damages class failed to appear or otherwise participate in the mediation. On September 17, 2015, and November 3, 2015, the

¹ The parties' Joint Status Report indicated that there were thirty-two special damages claims. However, on October 12, 2015, the Named Plaintiff submitted a Supplemental Report to Court [ECF No. 184] that stated Class Counsel was contacted by a class member, Ronal Gabriel, whose special damages claim form had been misplaced and previously went uncounted. The total number has been updated to reflect the additional claimant.

parties presented these matters to the Court during on-the-record telephonic status conferences [ECF Nos. 181, 187].

The members of the special damages class who timely submitted a special damages claim form, but then failed to appear at the mediation sessions are: Wil Bates; Brandon Bennett; Hillary Billingsley; Tara Brockington; Michael Burke; Betty Davis; Carrie Davis; Larry Harrison; San Maw; Christopher Patterson; Donald Reina; Abdellatif Saroukh; Richard Schlatter; and Andrew Wagner. Considering this, the Court GRANTS the parties' Joint Motion [ECF No. 183] and each absent claimant is AWARDED \$25 in nominal damages for the act of submitting a special damages claim form. The Courts FINDS that this provides a full and complete resolution of their special damages claims.²

Class Counsel also filed a Motion for Miscellaneous Relief [ECF No. 172], dated June 15, 2015, which requests that the Court (1) approve the settlements for the special damages claimants who resolved their claims during the mediation sessions; and (2) order the Defendant to issue payment to each of these claimants. The Defendant filed a Response [ECF No. 174], dated June 17, 2015, that states the Defendant has paid, or is in the process of paying, the amounts owed to the special damages claimants who resolved their claims during the mediation sessions. Based on these representations to the Court, and the parties' subsequent statements to

² The Court notes that special damages claimant Jerry Walker participated in both mediation sessions, but was unable to resolve his claim. The parties informed the Court that as of October 2, 2015, Jerry Walker has an outstanding settlement offer that remains open. The parties have not updated the Court on the status of Jerry Walker's claim. This Order does not moot or otherwise negate Jerry Walker's claim, and the Court remains cognizant of the parties' understanding that "any remaining special damage claims that are not resolved during the course of mediation can be handled" through trial [ECF No. 166 ¶ 4].

the Court [ECF Nos. 177 ¶ 3, 181, 187], the Court FINDS that the Motion for Miscellaneous Relief [ECF No. 172] is rendered MOOT.³

Lastly, on August 3, 2015, the Named Plaintiff filed a Motion for Approval of Payouts to General Class Members and Other Miscellaneous Relief [ECF No. 177]. This Motion is GRANTED IN PART and the Court will enter Partial Judgment on the jury's verdict [ECF No. 158]. The Partial Judgment will be docketed separately from this Order. Any other issues presented by the Motion [ECF No. 177] are DENIED as MOOT given the parties' subsequent conferences with the Court and the schedule set for further briefing [ECF Nos. 181, 187]. SO ORDERED on November 5, 2015.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT

³ The Named Plaintiff's Supplemental Report to Court [ECF No. 184] stated that Ronal Gabriel, whose special damages claim form was misplaced and unaccounted for previously, was participating in a formal settlement negotiation. On November 3, 2015, the parties informed the Court that Ronal Gabriel and the Defendant had agreed upon a settlement, but defense counsel indicated the Ronal Gabriel had not yet been paid [ECF No. 187]. Until the parties provide the Court with formal notice that Ronal Gabriel has received the agreed settlement amount, Ronal Gabriel's claim remains active.